

Application Serial No.: 10/773,774
Amdt. dated January 12, 2007
Reply to Non-Final Office Action of October 13, 2006

AMENDMENTS TO THE DRAWINGS

In the drawings, please add the enclosed “New Sheet” showing Figures 1-3.

REMARKS/ARGUMENTS

The Office Action dated October 13, 2006 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended the drawings and specification and added new Claims 32-36 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-36 in condition for allowance.

In the Office Action, the Examiner has required a drawing to facilitate understanding of the invention. Accordingly, Applicant submits herewith a "New Sheet" adding Figures 1-3 to the application. Applicant has also amended the specification to include a brief description of the drawings and to make reference to the drawings in the detailed description section. Support for the new drawings and the amendment to the specification can be found in the specification and claims as filed. No new matter has been added.

The Examiner has also objected to the title of this invention as not being descriptive. In response, Applicant has amended the title to "Water Repellent Cigarette Paper" as helpfully proposed by the Examiner in the Office Action.

Further in the Office Action, Claims 1-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,722,433 to Ishino et al. in view of U.S. Patent No. 2,091,572 to Swan. In particular, the Examiner states that the Ishino patent discloses a method for coating a cigarette paper including the step of applying a cellulose derivative. The Examiner admits that the Ishino patent fails to disclose the application of two separate layers separated by a drying step. However, the Examiner cites the Swan patent as disclosing paper coating methods including the application of separate layers separated by a drawing step. Accordingly, the Examiner concludes that it would have been obvious to combine the multiple coating method disclosed in the Swan patent to the cellulose derivative coating method disclosed by the Ishino patent.

Applicant respectfully traverses the rejection of the claims. In particular, it is respectfully submitted that neither the Ishino patent nor the Swan patent, taken alone or combined, discloses a method for impregnating a layer of cigarette paper with a water *repellant* coating, as defined in Claims 1-36.

Instead, the Ishino patent describes a process for improving the water-*dispersible* properties of a filter plug wrap paper of a cigarette. (In this regard, it is also noted that the water soluble cellulose derivative is applied only to the filter plug paper of a cigarette, as opposed to the tobacco wrap.) Thus, the Ishino patent is concerned with improving the dispersability or dissolvability of the filter plug of the cigarette after it has been discarded so that the filter part of the cigarette will dissolve or disintegrate in the environment when exposed to rain water. More specifically, the Ishino patent clearly states that the applied polymers have to be water soluble so as to provide a water dispersible filter plug wrap which easily disintegrates in the presence of rain water in a natural environment. (See column 10, line 7.)

This is in direct contrast with the present invention in which the cellulose derivative is applied as a water *repellent* coating, as opposed to a water *dispersible* coating. In other words, the present invention is concerned with a method for providing a cigarette paper with the ability to repel water, rather than absorb water, so as to prevent undesired spotting of the paper when exposed to moisture. Thus, the Ishino patent clearly teaches away from the claimed invention.

In particular, applying a water-soluble cellulose polymer, as taught by Ishino, would certainly not reduce spotting formation on the paper wrapper of a cigarette, as such spotting is the result of substances contained in the tobacco that migrate towards the paper due to humidity. Indeed, applying a water-soluble polymer as taught by Ishino would have the opposite effect in that the probability of spot formation on the cigarette paper would very likely be enhanced.

As the Ishino patent clearly teaches away from the present invention, a person skilled in the art would not take Ishino into consideration and apply water-insoluble polymers to a cigarette paper in order to reduce spot formation on the cigarette paper. Even if a person skilled in the art would apply the teachings of Ishino, the result would be different to the result of the present invention in that application of a water soluble polymer, as taught by Ishino, would surely not improve a cigarette paper's ability to resist spotting, but would instead probably have a direct opposite result. Accordingly, it is respectfully submitted that

independent Claims 1, 8, 11, 18 and 25, and the claims that depend therefrom, patentably distinguish over the prior art.

Applicant has also added new Claims 32-36, which further define the applied cellulose derivative as water insoluble. As set forth above, there is absolutely no mention in either the Ishino patent or the Swan patent of applying a water insoluble cellulose derivative to a cigarette wrapper. Accordingly, it is respectfully submitted that new Claims 32-36 patentably distinguish over the prior art.

In reviewing the application file, Applicant has noted that an Oath or Declaration from the inventor has yet to be filed. Accordingly, Applicant submits herewith a Combined Declaration and Power of Attorney signed by the inventor.

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-36 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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